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April 22, 2008

**VIA HAND DELIVERY AND ELECTRONIC FILING**

Honorable Dennis M. Cavanaugh, U.S.D.J.  
United States District Court, District of New Jersey  
United States Post Office & Courthouse  
Newark, New Jersey 07102

Re: In re Vytarin/Zetia Marketing, Sales Practices  
and Products Liability Litigation  
MDL No. 1938

Dear Judge Cavanaugh:

This firm, along with others, represent various plaintiffs in several of the actions pending before Your Honor encompassed by the above litigation which has been transferred to this Court by the Judicial Panel for Multidistrict Litigation (hereinafter the "Panel").

In connection with today's case management conference, I have enclosed a proposed Case Management Order which we will be prepared to discuss in Court. As Your Honor will see, the recommendations set forth in our proposed order – at least as to procedural organization – fundamentally mirror the suggestions made to the Court yesterday by defendants. Further, the Court should be aware that the recommendations set forth in our order for "Interim Liaison Counsel" enjoy the near unanimous support of all plaintiffs in the MDL proceeding.<sup>1</sup>

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<sup>1</sup> At an organizational meeting last night, the recommendations for Interim Liaison Counsel were approved with one objection. The objection, from the firm of Lite, DePalma, Greenberg & Rivas, will presumably be addressed by them at today's hearing.

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Thank you for Your Honor's continued attention to this matter and we look forward to addressing all of these issues at today's hearing.

Respectfully submitted,

CARELLA, BYRNE, BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN



JAMES E. CECCHI

JEC/ljf

cc: Honorable Mark Falk, U.S.M.J. (Via ECF and Regular Mail)  
All Counsel (Via email)

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